THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11135 OF 2007

Dated : 19.07.2007

Between :

M/s Lucky Granites, rep., by its Managing Partner,
A.V.Kumar Chowdary S/o A.V.Ragavaiah.

... **PETITIONER**

And:

The Government of Andhra Pradesh, rep., by its Secretary,
Industries and Commerce Department, Secretariat, Hyderabad
and others.

... **RESPONDENTS**

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ORDER:

Petitioner was granted mining licence to quarry granite over an extent of Ac.7.313 guntas of land in Sy.No.51 of Somasila village, Kollapur Mandal, Mahabubnagar District, by the Director of Mines and Geology, through proceedings dated 22.08.2006. It is stated that the land was held by one Syed Dawood, as service inam, and after his death, his successors have inherited it. Petitioner claims to have obtained consent of the landowners as well as the Government.

The grievance of the petitioner is that the authorities of the forest department are objecting for the quarrying operations. It is stated that before the lease was granted in favour of the petitioner, the matter was thoroughly examined, by referring it to the revenue department, and only on being satisfied that the lease can be granted to the petitioner, the proceedings were issued.

On behalf of the respondents, a detailed counter-affidavit as well

as voluminous record, in the form of material papers, is filed. It is stated that the land in question is part of Somasila Reserve Forest Block, formed in 1355 fasli. It is alleged that though there was some discrepancy in the revenue records, atleast for the past decade, the land is being uniformly shown as forest in the revenue records also.

Heard the learned counsel for the petitioner and the learned Government Pleader for Forest.

It is no doubt true that the matter was referred to the revenue department before mining lease was granted in favour of the petitioner, but it has not resolved the controversy. If the land is part of reserve forest, totally different considerations altogether ensue. There is a clear prohibition against mining operations over the forest lands. A separate and detailed procedure is prescribed for grant of leases over forest lands. In case the mining activity is not detrimental to the forest, clearance can be granted by the forest department, by requiring the applicant to provide the land for afforestation and to bear the costs for afforestation, however, it is a different aspect.

As of now, the petitioner did not approach the forest department with any application and the claim of the forest department cannot be brushed aside. Therefore, the petitioner cannot carry on the mining operations at present. It shall be open to it to file an application before the concerned authority of the forest department to accord approval, in accordance with the relevant provisions of law. As and when such an application is filed, it shall be dealt with as per the prescribed procedure, within a period of three months from the date of presentation. Till such time, the petitioner shall not be entitled to carry on the mining operations.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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19.07.2007

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